

MEETING REPORT NO. 25

PROJECT: **Town of Needham Downtown Study**

DATE: 31 January 2008

LOCATION: Town Hall

PRESENT: Downtown Study Committee (DSC)

Bob Smart	Cochair, DSC Committee
Moe Handel	Cochair, Planning Board
Lee Newman	Planning Director
Alexandra Clee	Assistant Planner
Joyce Moss	Economic Development Officer
Jeanne McKnight	Planning Board & League of Women Voters

Planning Board

Devra Bailin

Community Opportunities Group (COG)

Judi Barrett

DiNisco Design Partnership (DDP)

Jon Oxman

1. PURPOSE

- 1.1. The purpose of this meeting was for the zoning regulation working group to review a draft of the proposed zoning regulations.

2. REVIEW OF PROPOSED ZONING REGULATIONS – DRAFT

- 2.1. Judi Barrett led the discussion reviewing the proposed zoning regulations for the study area, a copy of which is attached.
- 2.2. Discussion – The working group made it through the Needham Center Overlay District regulations. Discussion included the following points:
- 2.2.1. Structure & Approach – In response to a question from the working group Judi explained that she used overlay districts so that there would not be the problem of creating existing non-conforming uses. Also this approach provides flexibility in designating different dimensional standards in different portions of the same district.
- 2.2.2. Parcel Size – There was discussion regarding the increased minimum parcel size from 10,000 SF to 20,000 SF. DDP will review and come back to the working group with recommendation.

2.2.3. Ground Floor Use – After discussion, it was agreed that:

- In mixed-use projects a lobby should be allowed for upper story residential units.
- Consumer-oriented business use should be allowed on the ground floor in addition to retail.

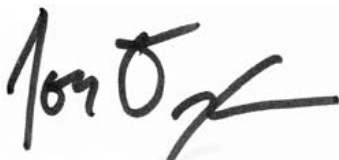
2.2.4. Building Height – It was agreed that the maximum height limits as written in the draft (3 stories / 37 FT & 4 stories / 48 FT) will be consolidated to 4 stories / 48 FT.

2.2.5. Affordable Housing – It was agreed to make affordable housing a mandatory requirement for mixed-use developments with six or more dwelling units.

3. NEXT STEPS

- 3.1. Working group to forward to Lee additional comments on the draft Zoning Regulations
- 3.2. Judi Barrett to revise draft Zoning Regulations based on the discussion at this meeting and prepare proposed amendments to existing Highland Avenue Business District and definitions.
- 3.3. Zoning Regulation Working Meeting tentatively scheduled for 5:30 PM, Wednesday 02/20/08 location TBD.

The discussions of this meeting are recorded as understood by the writer. Please advise the writer of any omissions or corrections.



Jon Oxman AIA
DiNISCO DESIGN

JAO/

cc: DSC
Judi Barrett
Kenneth DiNisco
Richard Rice

Enclosures: 1. Zoning:

Proposed Regulations

- Needham Center Overlay District
- Lower Chestnut Street Overlay District
- Garden Street Overlay District
- Outdoor Display of Retail Goods for Sale

DRAFT (Version #2 - 01/30/08)

2. Chart

Table of Proposed Dimensional Standards (12/11/07)

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3.8. Needham Center Overlay District

3.8.1. Purposes of District

The purposes of the Needham Center Overlay District are to encourage redevelopment of existing properties and infill development of an appropriate scale, density, mix of uses and design for a suburban downtown, substantially as set forth in the Downtown Needham Urban Study Concept Plan dated []; to create and sustain a vibrant, walkable downtown area; and to create opportunities for housing within walking distance of goods and services, public transportation, and the civic life of the town. Toward these ends, development in the Needham Center Overlay District shall be permitted to exceed the density and dimensional requirements that normally apply in the underlying zoning district(s) provided that such development complies with the design standards and all other requirements of this Section.

3.8.2. Scope of Authority

The Needham Center Overlay District shall be considered as overlying other use districts established by this By-Law. Within the Needham Center Overlay District, the requirements of the underlying district continue to apply insofar as they comply with the provisions of this Section. In the event of a conflict or difference between the provisions of the overlying and underlying district, the regulations of the overlying district shall apply.

3.8.3. Establishment and Delineation of Needham Center Overlay District

There is hereby established a Needham Center Overlay District, which shall consist of Sub-District A and Sub-District B,¹ as shown on a map entitled, "Zoning Map of the Town of Needham, Massachusetts" dated September 1924, as revised and amended to [] and on file in the Office of the Town Clerk.

3.8.4. Use Regulations

3.8.4.1. Permitted Uses

The following uses are permitted in the Needham Center Overlay District as a matter of right:

¹ Sub-District A refers to the portion of the overlay that lies east of the MBTA right-of-way and within which buildings up to 48 feet and 3+1 stories would be allowed. Sub-District B is the rest of the overlay, and within it, buildings up to 2 ½ stories and 37 feet would be allowed.

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- (a) Uses exempt from local zoning control under M.G.L. c.40A, s. 3.
- (b) Business uses permitted as of right in the underlying district.²
- (c) Vertical mixed-use development, not exceeding five multi-family units per building, with dwelling units allowed above the ground floor only.³
- (d) Outdoor display of retail goods for sale, subject to Section 6-9 of this By-Law.⁴
- (e) Accessory uses permitted as of right in the underlying district.

3.8.4.2. Special Permit Uses

The following uses are permitted in the Needham Center Overlay District only upon the issuance of a Special Permit by the Planning Board under such conditions as it may require:

- (a) Business uses allowed by special permit in the underlying district.
- (b) Vertical mixed-use development containing six or more multi-family units, with dwelling units located on floors above the ground floor or on the ground floor, provided that entrances to ground-floor units are located on the side or rear of the building and the ground floor of the front façade contains permitted retail uses only.
- (c) Accessory uses permitted by special permit in the underlying district.

3.8.4.3. Multiple Buildings and Uses

In the Needham Center Overlay District, more than one building and/or use may be located on a lot as a matter of right, provided that each building and/or its use(s) are in compliance with the requirements of Section 3.8 of this By-Law.

² Does the committee also want the overlay to include the same public, semi-public and institutional uses that are allowed in the underlying district? Note: some of these uses are exempt under Section 3 of Chapter 40A and would be covered under paragraph (a) above.

³ A definition for mixed-use development will be added to Section 1.3.

⁴ This will be a new section to be supplied as part of the zoning package for the Needham Center Plan.

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3.8.4.4. Enclosed Parking

Enclosed parking in the Needham Center Overlay District shall conform to the requirements for the Center Business District in Section 4.4.6.

3.8.5. Dimensional Regulations

3.8.5.1. Lot Area, Frontage and Setback Requirements

The following lot area, frontage and setback requirements shall apply to development in the Needham Center Overlay District:

- (a) Minimum Lot Area: 20,000 square feet.
- (b) Minimum Lot Frontage: 80 feet.
- (c) Minimum Front Setback: 0 feet.
- (d) Maximum Front Setback: 3 feet, or the average setbacks of the adjacent buildings, whichever is smaller.
- (e) Minimum Side and Rear Setback: For lots abutting a residential district, fifty (50) feet; for all other lots, no minimum yard setback shall apply. Where side and rear yard setbacks of fifty (50) feet are required, no accessory uses shall be located within twenty-five (25) feet closest to the district boundary and all other requirements of Sections 4.4.8.3 and 4.4.8.5 shall apply.

3.8.5.2. Building Height Requirements

The maximum building height in the Needham Center Overlay District shall be as follows:

- (a) In Sub-District A: The maximum building height shall be two and one-half stories and thirty-five feet as of right. By Special Permit from the Planning Board, the maximum height of a building may be increased as follows:
 - (1) Three stories and thirty-seven (37) feet; or
 - (2) Four stories and forty-eight (48) feet, provided that the fourth story is contained under a pitched roof or recessed from the face of the

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building, as shown in the Design Standards in Subsection 3.8.10 below.

- (b) In Sub-District B: The maximum building height shall be thirty-five (35) feet and two and one-half stories as of right, or by Special Permit from the Planning Board, thirty-seven (37) feet and three stories, provided that the third story is contained under a pitched roof or recessed from the face of the building, as shown in the Design Standards in Section 3.8.10 below.

Buildings in the Needham Center Overlay District shall not be further subject to the maximum height regulations of the underlying district, as contained in Section 4.4.3.

3.8.5.3. Building Bulk and Other Requirements

The maximum floor area ratio in the Needham Center Overlay District shall be the same standard that applies in the Center Business District under Section 4.4.2(b), except that the area of a building devoted to underground parking shall not be counted as floor area for purposes of determining the maximum floor area ratio. By Special Permit from the Planning Board, the maximum floor area ratio may be increased to 1.50 in Sub-District A and 1.20 in Sub-District B, in both cases excluding areas devoted to underground parking for purposes of determining the maximum floor area ratio. Uses in the Needham Center Overlay District shall not be subject to any other limitations on floor area ratio or building bulk in Section 4.4.2.

3.8.5.4. Driveway Openings

The requirements that apply to driveway openings in the Center Business District in Section 4.4.5 shall also apply in the Needham Center Overlay District.⁵

3.8.6. Off-Street Parking

Except as provided below, the off-street parking regulations in Section 5.1 and the regulations for enclosed parking in the Central Business District in Section 4.4.6 shall apply in the Needham Center Overlay District.

- (a) The minimum number of off-street parking spaces in Section 5.1.2 shall apply except as follows:

⁵ This needs discussion. Would the committee prefer a one-driveway-limit per project in the overlay district?

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- (1) For retail stores or services, there shall be one space per 300 square feet of floor area, except that no parking spaces shall be required for a retail establishment with less than eight hundred (800) square feet of floor area.
- (2) For any building in which more than forty (40) percent of the usable floor area is located above the ground floor, the minimum number of off-street parking spaces for upper-story business uses shall be eighty (80) percent of the number of spaces that would be required under Section 5.1.2, excluding medical, dental and related health services or clinics.
- (3) For multi-family units in a mixed-use development, the minimum number of off-street parking spaces shall be one and one-half spaces per dwelling unit except as provided in Section 3.8.7(g).⁶
- (b) In addition to the requirement for bicycle racks under Section 5.1.3(n), for a mixed-use development, bicycle racks facilitating locking shall be provided to accommodate one bicycle for every two (2) dwelling units.
- (c) The Planning Board may grant a Special Permit to waive the requirements of Section 5.1.2 or Section 5.1.3, or the requirements of subsection (a) above, if a proposed development satisfies the conditions set forth in Section 5.1.1.6.
- (d) The Planning Board may grant a Special Permit to allow payment of a fee in lieu of the minimum number of off-street parking spaces required under this Section, said fee to be computed on a per-space basis and paid into a special revenue fund known as the Needham Center Off-Street Parking Fund, and to be used solely for the purpose of providing shared or public parking facilities benefiting uses within the area covered by the Needham Center Urban Study Concept Plan. The fee shall be determined by the Planning Board in accordance with the Concept Plan and the Town of Needham Capital Improvements Plan, as applicable, and paid by the applicant in two installments: one-half prior to the receipt of a building permit and one-half prior to receipt of a certificate of occupancy, unless

⁶ This appears here for discussion purposes. However, I recommend that we remove it from the overlay regulations and amend Section 5.1.2 by adding “multi-family dwelling unit” and the associated parking standard of 1.5 spaces per unit. Currently, Needham specifies a multi-family parking standard only in the Apartment Districts (1.5 spaces per unit). Off-street parking requirements should not be set on a district-by-district basis; instead, they should be located in one section of the bylaw, i.e., Section 5.1.2.

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the applicant chooses to pay the entire fee prior to receipt of a building permit.

3.8.7. Affordable Housing

Mixed-use developments with six or more dwelling units are encouraged to include affordable housing as defined in Section 1.3 of this By-Law.⁷ The following requirements shall apply to a development that includes affordable units:

- (a) The floor area of the affordable units shall be in addition to the maximum floor area permitted under Section 3.8.5.3.
- (b) Each affordable unit shall be sold or rented to a household with income at or below eighty (80) percent of the area median income that applies to subsidized housing in the Town of Needham, adjusted for household size, as determined annually by the U.S. Department of Housing and Urban Development (HUD). In addition, each affordable unit shall meet all applicable requirements of the Massachusetts Department of Housing and Community Development (DHCD) for inclusion on the Subsidized Housing Inventory. However, if the applicant provides at least one-half of the affordable units for households with incomes at or below fifty (50) percent of area median income, the remaining affordable units may be sold or rented to households with incomes up to 100 percent of area median income even if the latter units are not eligible for the Subsidized Housing Inventory.⁸
- (c) Affordable units shall be dispersed within the building and not concentrated in one area or on one floor. They shall generally be comparable in size and energy efficiency to the development's market-rate units.
- (d) The affordable units shall be constructed in proportion to the number of market-rate units in the development. Proportionality shall be determined by the number of building permits or certificates of occupancy issued for

⁷ "Affordable housing" and some associated terms that appear in this subsection, e.g., "affordable housing restriction," should be defined in Section 1.3.

⁸ DHCD is considering the possibility of allowing units for families with incomes up to 100% AMI (or more) to be eligible for the Subsidized Housing Inventory. It is not clear that this option will materialize. I cited 100% AMI here simply because the units would be eligible under CPA and the Town may wish to make CPA assistance available to the homebuyers, e.g., downpayment and closing cost assistance, but my recommendation is that in exchange for making some units affordable to low-income (50% AMI) households, the higher-priced units should be for households with incomes at 110-120% AMI.

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the affordable and market-rate units, as applicable, or otherwise in accordance with a schedule set by the Planning Board in conditions imposed on the Special Permit.

- (e) The selection of eligible homebuyers or renters for the affordable units shall be in accordance with a marketing plan approved by the Needham Planning Department prior to the issuance of any building permits for the development.
- (f) The affordable units shall be subject to an affordable housing restriction with limitations on use, occupancy, resale prices or rents, as applicable, and which provides for periodic monitoring for compliance with the requirements of said restriction. The affordable housing restriction shall run with the land and be in force in perpetuity or for the maximum period allowed by law, and be enforceable under the provisions of M.G.L. c.184, ss. 31-33.
- (g) For affordable units with not more than one bedroom, the minimum number of parking spaces shall be one space per unit.

3.8.8. Site Plan Review

For any project seeking a Special Permit under Section 3.8.5.2 or any Major Project under Section 7.4.2,⁹ the Planning Board shall consider, in addition to the factors set forth in Section 7.4.6, the following review criteria:

- (a) The adequacy of existing facilities to serve the proposed development, including but not limited to water supply, sewer, natural gas and electric service;
- (b) The degree to which the proposed development incorporates sustainable green building elements and/or addresses the rating standards for LEED Certification that apply to the type of project;
- (c) The adequacy of existing streets and major intersections to accommodate vehicular traffic generated by the development, together with any mitigation proposed by the applicant, such as but not limited to a Transportation Demand Management (TDM) plan;

⁹ A definition of “Major Project” in the Needham Center Overlay District should be added to Section 7.4.2. For purposes of this draft, I assume that the definition will be the same as that which applies in the Center Business District.

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- (d) The degree to which the proposed project addresses the goals of the Needham Center Urban Study Concept Plan and conforms to the Design Standards in Section 3.8.9; and
- (e) For a mixed-use development, the degree to which the project will provide affordable housing.

3.8.9. Design Standards.¹⁰

(To be added by DiNisco Design)

¹⁰ Note: Needham currently regulates the location of building entrances in the Center Business District under Section 4.4.10. For purposes of this draft, I omitted a reference to Section 4.4.10 because I assumed the same type of requirement would be included in the overlay district's design standards. Let's discuss.

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3.9. Lower Chestnut Street Overlay District

3.9.1. Purposes of District

The purposes of the Lower Chestnut Street Overlay District are to encourage redevelopment of existing properties in a manner that bring buildings close to the street, with layouts and designs of sites and buildings conducive to pedestrian use; to reorganize and consolidate curb cuts through appropriate access management controls; and to create opportunities for Chestnut Street to serve as an attractive, safe, pedestrian-friendly corridor, substantially as set forth in the Downtown Needham Urban Study Concept Plan dated []. Toward these ends, development in the Lower Chestnut Street Overlay District shall be permitted to exceed the density and dimensional requirements that normally apply in the underlying zoning district(s) provided that such development complies with the design standards and all other requirements of this Section.

3.9.2. Scope of Authority

The Lower Chestnut Street Overlay District shall be considered as overlying other use districts established by this By-Law. Within the Lower Chestnut Street Overlay District, the requirements of the underlying district continue to apply insofar as they comply with the provisions of this Section. In the event of a conflict or difference between the provisions of the overlying and underlying district, the regulations of the overlying district shall apply. For purposes of this Section, the Medical Overlay District shall not be considered an underlying district, and any development proposed under the regulations of the Medical Overlay District shall conform to the requirements of Section 3.6.

3.9.3. Establishment and Delineation of Lower Chestnut Street Overlay District

There is hereby established a Lower Chestnut Street Overlay District as shown on a map entitled, "Zoning Map of the Town of Needham, Massachusetts" as originally dated September 1924, as revised and amended to [] and on file in the Office of the Town Clerk.

3.9.4. Use Regulations

3.9.4.1. Permitted Uses

The following uses are permitted in the Lower Chestnut Street Overlay District as a matter of right:

- (a) Uses exempt from local zoning control under M.G.L. c.40A, s. 3.

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- (b) All uses permitted as of right in the underlying district.
- (c) Vertical mixed-use development, not exceeding five multi-family units per building, with dwelling units allowed above the ground floor only.
- (d) Outdoor display of retail goods for sale, subject to Section 6-9 of this By-Law.
- (e) Accessory uses permitted as of right in the underlying district.

3.9.4.2. Special Permit Uses

The following uses are permitted in the Lower Chestnut Street Overlay District only upon the issuance of a Special Permit by the Planning Board under such conditions as it may require:

- (a) Business uses allowed by special permit in the underlying district, excluding an automobile service station.
- (b) Vertical mixed-use development containing six or more multi-family units in a building, with dwelling units located on floors above the ground floor or on the ground floor, provided that entrances to ground-floor units are located on the side or rear of the building and the ground floor of the front façade contains permitted retail uses only.
- (c) Horizontal mixed-use development, provided that at least sixty (60) percent of the front side of the lot facing Chestnut Street, measured in percentage of linear feet of frontage, shall be occupied by a building or buildings located within twenty (20) feet of the street sideline, said building(s) to contain permitted business uses and which may contain upper-story dwelling units. Free-standing multi-family dwellings associated with a horizontal mixed-use development shall be located toward the rear of the site and be connected to building(s) facing the street by means of landscaped walkways or a courtyard.
- (d) Accessory uses permitted by special permit in the underlying district.

3.9.4.3. Multiple Buildings and Uses

In the Lower Chestnut Street Overlay District, more than one building and/or use may be located on a lot as a matter of right, provided that each building and/or its use(s) are in compliance with the requirements of Section 3.9 of this By-Law.

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3.9.4.4. Special Permit, Parking Garage

The Planning Board may issue a Special Permit for a parking garage or parking structure for more than three (3) vehicles, including both enclosed and open structures, above and below ground, serving uses within the area covered by the Needham Center Urban Study Concept Plan, where the parking garage or structure is located in the immediate vicinity of the uses it serves, subject to such setback requirements as the Planning Board may impose.

3.9.5. Dimensional Regulations

3.9.5.1. Lot Area, Frontage and Setback Requirements

The following lot area, frontage and setback requirements shall apply to development in the Lower Chestnut Street Overlay District:

- (a) Minimum Lot Area: 20,000 square feet.
- (b) Minimum Lot Frontage: 100 feet.¹
- (c) Minimum Front Setback: 0 feet.²
- (d) Minimum Side and Rear Setback:
 - (1) For lots abutting a residential district, fifty (50) feet; for all other lots, no minimum yard setback shall apply. Where side and rear yard setbacks of fifty (50) feet are required, the twenty-five (25) feet closest to the district boundary shall be suitably landscaped and contain no accessory uses. The remaining twenty-five (25) feet may be used for an accessory use, not including a building or structure.
 - (2) For lots adjacent to the MBTA right-of-way, there shall be a minimum yard setback of twenty-five (25) feet, and the first ten (10) feet of the setback shall be suitably landscaped and not used for any other purpose, including an accessory use.

¹ We need the committee to weigh in on this. Let's discuss on 1/31/08.

² Do we need a maximum front setback in this district?

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3.9.5.2. Building Height Requirements

The maximum building height in the Lower Chestnut Street Overlay District shall be two and one-half stories and thirty-five feet as of right. For lots with frontage on Chestnut Street, the Planning Board may grant a Special Permit for a maximum building height of three stories and thirty-seven feet or four stories and forty-eight (48) feet, provided that the fourth story is located under a pitched roof or recessed from the face of the building, as shown in the Design Standards in Section 3.9.10 below.

Buildings in the Lower Chestnut Street Overlay District shall not be further subject to the maximum height regulations of the underlying district, as contained in Section 4.4.3.

3.9.5.3. Building Bulk and Other Requirements

The maximum floor area ratio in the Lower Chestnut Street Overlay District shall be 0.70. For lots with frontage on Chestnut Street, however, the Planning Board may issue a Special Permit to increase the maximum floor area ratio to 1.50. The area of a building devoted to underground parking shall not be counted as floor area for purposes of determining the maximum floor area ratio under this section.

Uses in the Lower Chestnut Street Overlay District shall not be subject to any other limitations on floor area ratio or building bulk such as those contained in Section 4.4.2.

3.9.5.4. Driveway Openings

The requirements that apply to driveway openings in the Chestnut Street Business District in Section 4.4.5 shall also apply in the Lower Chestnut Street Overlay District.

3.9.6. Off-Street Parking

Except as provided below, the off-street parking regulations in Section 5.1 shall apply in the Lower Chestnut Street Overlay District.

(a) The minimum number of off-street parking spaces in Section 5.1.2 shall apply except as follows:

- (1) For any building in which more than forty (40) percent of the usable floor area is located above the ground floor, the minimum number of off-street parking spaces for upper-story business uses shall be eighty (80) percent of the number of spaces that would be required under

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Section 5.1.2, excluding medical, dental and related health services or clinics.

- (2) For multi-family units in a mixed-use development, the minimum number of off-street parking spaces shall be one and one-half spaces per dwelling unit.³
- (b) In addition to the requirement for bicycle racks under Section 5.1.3(n), for a mixed-use development, bicycle racks facilitating locking shall be provided to accommodate one bicycle for every two (2) dwelling units.
- (c) The Planning Board may grant a Special Permit to allow payment of a fee in lieu of the minimum required number of off-street parking spaces, as provided in Section 3.8.6(d).

3.9.7. Affordable Housing

Mixed-use developments with six or more dwelling units are encouraged to include affordable housing as defined in Section 1.3 of this By-Law. The following requirements shall apply to a development that includes affordable units:

- (a) The floor area of the affordable units shall be in addition to the maximum floor area permitted under Section 3.9.5.3.
- (b) All other requirements of Section 3.8.7 shall apply.

3.9.8. Site Plan Review

For any project seeking a Special Permit under Section 3.9.5.2 or any Major Project under Section 7.4.2,⁴ the Planning Board shall consider, in addition to the factors set forth in Section 7.4.6, the following review criteria:

- (a) The adequacy of existing facilities to serve the proposed development, including but not limited to water supply, sewer, natural gas and electric service;

³ See footnote about multi-family parking requirements in Needham Center Overlay District.

⁴ A definition of “Major Project” in the Lower Chestnut Street Overlay District should be added to Section 7.4.2. As with Needham Center, I assumed that the definition of Major Project on Chestnut Street would be the same in the overlay and the underlying use district.

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- (b) The degree to which the proposed development incorporates sustainable green building elements and/or addresses the rating standards for LEED Certification that apply to the type of project;
- (c) The adequacy of existing streets and major intersections to accommodate vehicular traffic generated by the development, together with any mitigation proposed by the applicant, such as but not limited to a Transportation Demand Management (TDM) plan;
- (d) The degree to which the proposed development minimizes curb cuts on Chestnut Street, such as by providing a common driveway shared by adjoining lots, providing joint and cross access between the lot and adjacent uses, or other means approved by the Planning Board;
- (e) The degree to which the proposed project addresses the goals of the Needham Center Urban Study Concept Plan and conforms to the Design Standards in Section 3.9.9; and
- (f) For a mixed-use development, the degree to which the project will provide affordable housing.

3.9.9. Design Standards.⁵

(To be added by DiNisco Design)

⁵ Needham currently regulates the location of building entrances in the Chestnut Street Business District under Section 4.4.9. Do these regulations need to be reiterated or cross-referenced in the overlay district or will they be addressed under Design Standards?

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3.10. Garden Street Overlay District

3.10.1. Purposes of District

The purposes of the Garden Street Overlay District are to encourage redevelopment and a modest intensification of use of existing properties in a manner compatible in scale and design with adjacent residential neighborhoods, with layouts and designs of sites and buildings conducive to pedestrian use, substantially as set forth in the Downtown Needham Urban Study Concept Plan dated [].

3.10.2. Scope of Authority

The Garden Street Overlay District shall be considered as overlying other use districts established by this By-Law. Within the Garden Street Overlay District, the requirements of the underlying district continue to apply insofar as they comply with the provisions of this Section. In the event of a conflict or difference between the provisions of the overlying and underlying district, the regulations of the overlying district shall apply.

3.10.3. Establishment and Delineation of Garden Street Overlay District

There is hereby established a Garden Street Overlay District as shown on a map entitled, "Zoning Map of the Town of Needham, Massachusetts" as originally dated September 1924, as revised and amended to [] and on file in the Office of the Town Clerk.

3.10.4. Use Regulations

3.10.4.1. Permitted Uses

Uses permitted as of right in the Lower Chestnut Street Overlay District shall also be permitted as of right in the Garden Street Overlay District.

3.10.4.2. Special Permit Uses

Uses allowed by special permit in the Lower Chestnut Street Overlay District shall also be allowed by special permit in Garden Street Overlay District.

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3.10.4.3. Multiple Buildings and Uses

In the Garden Street Overlay District, more than one building and/or use may be located on a lot as a matter of right, provided that each building and/or its use(s) are in compliance with the requirements of Section 3.10 of this By-Law.

3.10.5. Dimensional Regulations

3.10.5.1. Lot Area, Frontage and Setback Requirements

The following lot area, frontage and setback requirements shall apply to development in the Garden Street Overlay District:

- (a) Minimum Lot Area: 20,000 square feet.
- (b) Minimum Lot Frontage: 80 feet.
- (c) Minimum Front Setback: 10 feet.
- (d) Minimum Side and Rear Setback:
 - (1) The minimum side yard setback shall be 0 feet.
 - (2) For lots abutting a residential district, the rear yard setback shall be fifty (50) feet; for all other lots, no minimum yard setback shall apply. Where a setback of fifty (50) feet is required, the twenty-five (25) feet closest to the district boundary shall be suitably landscaped and contain no accessory uses. The remaining twenty-five (25) feet may be used for an accessory use, not including a building or structure.

3.10.5.2. Building Height Requirements

The maximum building height in the Garden Street Overlay District shall be two and one-half stories and thirty-five (35) feet or, by Special Permit from the Planning Board, three stories and thirty-seven (37) feet, provided that the third story is contained under a pitched roof or recessed from the face of the building, as shown in the Design Standards in Section 3.10.9 below. Buildings in the Garden Street Overlay District shall not be further subject to the maximum height regulations of the underlying district, as contained in Section 4.4.3.

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3.10.5.3. Building Bulk and Other Requirements

The maximum floor area ratio in the Garden Street Overlay District shall be 0.70. By Special Permit from the Planning Board, the maximum floor area ratio may be increased to 1.20. The area of a building devoted to underground parking shall not be counted as floor area for purposes of determining the maximum floor area ratio under this section.

Uses in the Garden Street Overlay District shall not be subject to any other limitations on floor area ratio or building bulk such as those contained in Section 4.4.2.

3.10.5.4. Driveway Openings

The requirements that apply to driveway openings in the Chestnut Street Business District in Section 4.4.5 shall also apply in the Garden Street Overlay District.

3.10.6. Off-Street Parking

The off-street parking regulations that apply in the Lower Chestnut Street Overlay District shall also apply in the Garden Street Overlay District.

3.10.7. Affordable Housing

Mixed-use developments with six or more dwelling units are encouraged to include affordable housing as defined in Section 1.3 of this By-Law. The following requirements shall apply to a development that includes affordable units:

- (a) The floor area of the affordable units shall be in addition to the maximum floor area permitted under Section 3.10.5.3.
- (b) All other requirements of Section 3.8.7 shall apply.

3.10.8. Site Plan Review

For any project seeking a Special Permit under Section 3.10.5.2 or any Major Project under Section 7.4.2,¹ the Planning Board shall consider, in addition to the factors set forth in Section 7.4.6, the following review criteria:

¹ A definition of “Major Project” in the Garden Street Overlay District should be added to Section 7.4.2.

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- (a) The adequacy of existing facilities to serve the proposed development, including but not limited to water supply, sewer, natural gas and electric service;
- (b) The degree to which the proposed development incorporates sustainable green building elements and/or addresses the rating standards for LEED Certification that apply to the type of project;
- (c) The adequacy of existing streets and major intersections to accommodate vehicular traffic generated by the development, together with any mitigation proposed by the applicant, such as but not limited to a Transportation Demand Management (TDM) plan;
- (d) The degree to which the proposed project addresses the goals of the Needham Center Urban Study Concept Plan and conforms to the Design Standards in Section 3.10.9; and
- (e) For a mixed-use development, the degree to which the project will provide affordable housing.

3.10.9. Design Standards.²

(To be added by DiNisco Design)

² See footnote about regulations for building entrances, Lower Chestnut Street Overlay District.

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6.9. Outdoor Display of Retail Goods for Sale

6.9.1. Applicability

Section 6.9 shall apply in any business district in which outdoor display of retail merchandise is permitted under Section 3.2.2 or any other provision of this By-Law.

6.9.2. Basic Requirements

Outdoor display of merchandise is permitted during normal hours of operation, subject to Site Plan Review as a Minor Project under Section 7-4, within the front yard or within the side yard if the side yard abuts a public right-of-way, or within the rear yard where a business abuts a municipal parking lot, provided that:

- (a) Such use is clearly related to the retail use conducted inside the principal building;
- (b) All merchandise shall be located within the confines of the retailer's owned or leased property;
- (c) Merchandise shall be displayed in front of the place of business, against the buildings only, and not along the curb;
- (d) The minimum width of a sidewalk used for outdoor display purposes shall be four feet, and there shall be an unobstructed path of at least three feet in width on the sidewalk and at the entrance to the building;
- (e) Outdoor display of merchandise is prohibited in designated or required landscaped areas, parking lots, or drive aisles;
- (f) Such use does not obstruct or otherwise interfere with visibility at intersections;
- (g) Outdoor displays shall be only during the retail establishment's ordinary business hours, provided that any evening displays shall be properly lighted for safety and visibility;
- (h) No outdoor display shall be located on a public sidewalk at times or on days of excessive sidewalk congestion, as determined by the Police Department; and

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- (i) Outdoor display is not intended to be, and shall not be interpreted to include, outdoor parking or outdoor storage or display of motor vehicles. No merchandise shall remain outdoors when the business is closed.

Table of Proposed Dimensional Standards (12/11/07)

District	Minimum Lot Area	Minimum Lot Frontage	Minimum Setbacks			Maximum Setback (#1)	Maximum	Incentive(#2)	Maximum(#3)	Maximum Height	
			Front Yard	Rear Yard (#10)	Side Yard (#10)	Front Yard	FAR	FAR	Lot Coverage	Stories	Feet
Center Business District											
Existing	10,000 SF	80 FT	3 FT (#6)	50 FT (#11)	50 FT (#11)	None	1.0 (#5, #21)	1.2 (#8)	None	2 1/2 Stories	35 FT
Proposed	20,000 SF	80 FT	0 FT	50 FT (#11)	50 FT (#11)	0 FT	1.5 / 1.2 (#14)	1.7 / 1.4 (#14)	None	3+1 / 2+1 (#14)	48 / 37 FT (#14)
Chestnut Street Business District											
Existing	10,000 SF	80 FT	20 FT	50 FT (#11, #12))	50 FT (#11, #12)	None	0.7	None	None	2 1/2 Stories	35 FT
Proposed											
Chestnut Street	20,000 SF	80 FT	0 FT	50 FT (#11, #22)	50 FT (#11, #22)	0 FT	1.5 / 0.7 (#23)	1.7 / 0.9 (#25)	None	3+1 / 2 1/2 (#23)	48 / 35 FT (#23)
Garden Street (#4)	20,000 SF	80 FT	10 FT	50 FT (#11)	N/A (#24)	20 FT	1.2	1.4 (#26)	None	2+1	37 FT
Highland Avenue Business District											
Existing	10,000 SF	80 FT	10 / 20 FT (#7)	None / 50 FT (#9)	None / 50 FT (#9)	None	None		See Table 1 (#13)	3 Stories	40 FT
Proposed	- - - Same as Existing, No Proposed Changes - - -										
Medical Overlay District											
Existing	Same as Underlying District		20 FT (#15 & #17)	10 FT (#16, #17)	10 FT (#16)	None	1.0 (#20)	None	None	None	55 FT (#18, #19)
Proposed	- - - Same as Existing, No Proposed Changes - - -										

NOTES:

- (#1) - Judi Barrett: Some communities have both a minimum and a maximum front yard setback. I've included both in case you plan to use them.
- (#2) - Judi Barrett: This is for any FAR incentive that may be offered for affordable units.
- (#3) - Judi Barrett: Not sure if you're planning on a coverage limit, but since the Highland Business District currently has coverage regulations I decided to include it.
- (#4) - The separate northern area of Chestnut Street Business District is renamed here as Garden Street District
- (#5) - Or FAR in existence on 01/01/90, whichever is greater
- (#6) - Or a setback consistent with average of setbacks of two adjacent buildings, whichever is smaller
- (#7) - 10 FT for lots zoned in a business district prior to 04/14/53 / 20 FT for all other lots
- (#8) - Where the use of a shared access eliminates the need of providing an individual driveway
- (#9) - 50 FT for lots changed to business district after 04/15/52 / None for all others
- (#10) - For Rear & side yards adjoining residential districts only
- (#11) - 25 FT closest to district boundary shall have no accessory use. Remaining 25 FT may be used for accessory use not including building or structure.
- (#12) - Where lot is adjacent to MBTA railroad right of way there shall be a 10 FT buffer suitably landscaped and not used for any other purpose.
- (#13) - See attached Table 1 from the existing Zoning By-Law
- (#14) - 3+1 Stories / 48 FT / 1.5 FAR for lots east of MBTA Railroad Right of Way with frontage on Great Plain Avenue, Chestnut Street or Dedham Avenue. 2 +1 Stories / 37 FT / 1.2 FAR for all other lots.
FAR exlcuding underground parking. See Zoning Concept Plan (11/30/07). Incentive FAR for affordable housing.
- (#15) - Except 25 FT from any street with travel way width exceeding 35 FT and except 30 FT from any street with travel way width less than 30 FT.
- (#16) - Except 20 FT from residential district not contained within Medical Overlay District & no setback where lot with medical use abuts another lot with medical use.
- (#17) - Parking structures with 4 or more parking spaces shall be set back minimum of 50 FT from any street with travel way width of less than 30 FT.
- (#18) - Portions of a building exceeding maximum building height in underlying zoning district shall be set back from any street with right-of-way width of less than 50 FT behind a 45 degree bulk control plane.
- (#19) - Not including mechanical penthouses that occupy not more than 30% of roof area & are set back from roof edge minimum distance equal to their height.
- (#20) - Exclusive of parking garages & interior, deck or rooftop parking portions of buildings.
- (#21) - Including underground parking. Planning Board may issue special permit in Center Business to exclude floor area of underground portion of building devoted to parking.
- (#22) - Where lot is adjacent to MBTA railroad right of way there shall be a 25 FT setback. The first 10 FT of the setback shall be a buffer suitably landscaped and not used for any other purpose.
- (#23) - 3+1 / 48 FT / 1.5 FAR Stories for lots with frontage on Chestnut Street. 2 1/2 Stories / 35 FT / 0.7 FAR for all other lots.
FAR exlcuding underground parking. See Zoning Concept Plan (11/30/07). Incentive FAR for affordable housing.
- (#24) - There are no lots in the Garden Street District with rear yards adjoining Residential Districts.
- (#25) - Incentive FAR for affordable housing: 1.7 for lots with frontage on Chestnut Street, 0.9 for all other lots.
- (#26) - Incentive FAR for affordable housing.